

CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

December 05, 2011

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Greg Grinch Maria Klemack-McGraw Ted Berry Steve Bennett Melissa Albright

1. Ms. Klemack-McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Mr. Grinch.

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. The Chair read the agenda items and they were approved by unanimous consent.

The Chair recognized Mr. Bennett, Chairman of Finance, for discussion and voting under said Committee.

Ordinance C-64-11 (Appropriate \$15,000.00 from the Senior Nutrition Fund for the Current Expenses) was given its first reading. Second reading and public hearing will be held on 12/19/11.

2. Ordinance C-65-11 (Appropriate \$195,000.00 from the General Fund for the Current Expense of the Phase 2 Stringtown Road Reconstruction Improvement) was given its first reading. Second reading and public hearing will be held on 12/19/11.
3. Ordinance C-66-11 (Appropriate \$2,542,032.57 from the Pinnacle TIF Fund for the Current Expense of Financing, Constructing and Equipping a Fire Station) was given its first reading. Second reading and public hearing will be held on 12/19/11.
4. Ordinance C-67-11 (Amend Section 133.05 of the Codified Ordinances titled Sale of City Owned Personal Property) was given its first reading. Second reading and public hearing will be held on 12/19/11.

The Chair recognized Ms. Albright, Chairman of Safety, for discussion and voting under said Committee.

1. Ordinance C-68-11 (Amend Section 1135.09(b)(12)A1r of the Codified Ordinances titled Special Use Permits) was given its first reading. Second reading and public hearing will be held on 12/19/11.

The Chair recognized Ms. Klemack-McGraw -Chairman of Lands & Zoning, for discussion and voting under said Committee.

1. Ordinance C-61-11 (Accept a certain Parcel of Real Estate and Dedicate such Parcel for Public Use) was given its second reading and public hearing.

Mr. Phil Honsey, City Admin., explained that this parcel is next to Dr. Dubos' new office. It is adjacent to existing city parking lots. It is being dedicated to the City by the Community Improvement Corporation for expanding the parking, all the way north to Grant Ave., in the Town Center.

Mr. Berry said it was in the Green Frame Plan and is now becoming a reality. The Mayor noted it was also in the first Plan by Frank Elmer, to create parking all the way across.

Ms. Albright asked how many parking spaces would get installed. Mr. Chuck Boso said 24 spaces.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Mr. Bennett.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

2. Ordinance C-62-11 (Approve a Special Use Permit for a Day Care for Daystarz Child Care Center located at 3946 Broadway) was given its second reading and public hearing.

Ms. Donyette Dunlap, petitioner, was present to answer any questions. Ms. Klemack-McGraw review the stipulations set by Planning Commission, which Ms. Dunlap agreed to.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Mr. Grinch.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

3. Resolution CR-48-11 (Appeal the Decision of the Board of Zoning Appeals granting a Height Variance for a Vertical Tank for Entire Energy & Renewables located at 3570 Sunshine Park Place) was given its reading and at the request of the petitioner, Ms. Klemack-McGraw moved it be postponed to 2/6/12; seconded by Mr. Berry.

Mr. Berry asked Mr. Smith to confirm that by delaying this, it means that no decision has been made and the petitioner cannot move forward until it comes back to Council. Mr. Smith, Law Dir., said that was correct. By postponing this, the question is in limbo until Council makes a final determination. It was appealed in a timely manner and the postponement doesn't give them any rights to do anything in the meantime.

Mr. Grinch said the makeup of Council will change after the first of the year and wondered if this was a case of maneuvering to avoid a vote. Mr. Smith said that would be speculation on his part. He said regardless, Council is empowered to affirm, deny or modify with conditions what was done by the Board of Zoning Appeals.

Mr. Berry asked Ms. Kelly to go get the request from the petitioner. Ms. Kelly retrieved the e-mail, sent to Mr. Berry, and read the request asking for the item to be postponed to the next meeting, as they need additional time to gather information.

Ms. Klemack-McGraw amended her motion to reflect the date of 12/19, as requested by the petitioner. Mr. Berry confirmed his second.

There being no additional questions or comments, the vote was taken to postpone until 12/19/11.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	No
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

The Chair asked that any new business to be brought before the attention of Council be done so at this time.

1. Ms. Sally Terry, resident, said since the opening of Rave Theater their lives have been turned upside down. She said their Condo Association asked before the Theater opened to have the mound remain at the same height and more landscaping added, to maintain their peace and safety. She said they are experiencing loud sounds, lights in their bedrooms, vandalism of their property and trespassing. She said the Developer and the City need to rectify this problem now. They don't feel the City has taken anything they have said to this point seriously and feel they have been let down by their elected officials.

Mr. Bennett asked Mr. Smith what power the City has to rectify this situation. Mr. Smith said the Rave Theater and shopping center have been through the Planning process and they comply with the Development Plan approved by the City. At this point, it is difficult because the issues the neighbors are experiencing are on private property. It is a private property dispute. It is difficult to contemplate what the City's course could be to rectify this situation. Mr. Bennett said he was under the impression that the City had worked out an arrangement to put fencing and perimeter stuff to alleviate the noise and light issues. Mr. Terry said Continental Realty made them and offer which they refused. Mr. Smith clarified that the City has been pursuing three different avenues to help with the issues raised: The Urban Forester has been working diligently to get some of the tree plantings moved to areas that would be more conducive to screening the vehicle lights; Mr. Boso has been working to get the lights screened; and the developer offered to plant more trees and purchase 56 feet of fence that could be placed wherever the Condo Association decided to place it. Mr. Bennett asked why the mounding was decreased. Mr. Honsey said that the dirt was stored dirt and not a finished mound. They graded the mound to meet the Development Plan. He said the Bldg. Div. did check the lighting and found that there was validation with the residents' complaint and the Developer was instructed to correct the lighting with the addition of shades to bring those into compliance with the Code. He also noted that the City planted 18 street trees along this roadway, but not touting those as effectively dealing with the environmental issues year round.

Further discussion took place over this issue. Mayor Stage said he would consider assisting them with this, but if we put up a fence, the Condo Association must accept it and maintain it. Mr. Bennett asked if we could get the three entities together to help mediate this issue. He said the Elected Officials aren't ignoring them but there are limits on what they can do. The dilemma is taking tax dollars and improving private property. It was decided that the Condo Assoc. (not just a few residents) needs to come back with a plan of what they want and approvals by the property owners that maybe affected.

The Chair recognized members of Administration and Council for closing comments.

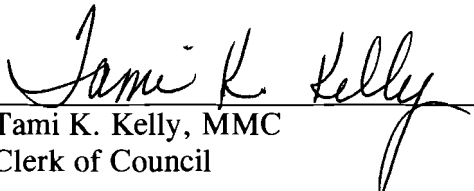
1. The Mayor submitted the Mayor's Monthly Report and Mr. Berry moved to accept same; seconded by Mr. Bennett.

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

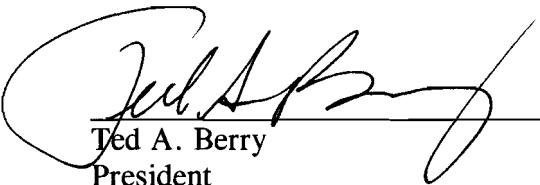
In closing, he said the Christmas Parade and Tree Lighting were wonderful. He complimented Andy Furr and his group.

2. Mr. Bennett announced that Council will meet on 12/12 to review the 2012 Budget @ 6:00 p.m.
3. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 7:50 p.m.



Tami K. Kelly, MMC
Clerk of Council



Ted A. Berry
President